

BIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Sampath et al.	Art Unit :	2616
Serial No. :	10/767,067	Examiner :	Henry Baron
Filed :	January 28, 2004	Confirmation No.:	5464
		Notice of Allowance Date:	July 8, 2009

Title : SCALABLE SPACE-FREQUENCY CODING FOR MIMO SYSTEMS

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

Reasons for allowance are only warranted in instances in which “the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims.” 37 C.F.R. 1.104(e). In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Therefore, the record should reflect that Applicant does not necessary agree with the statement in the reasons for allowance.

For example, the Examiner loosely characterizes the claimed subject matter in the statement of reasons for allowance, which purportedly applies to all of the claims of the application. The language in the Examiner's characterization does not exactly correspond to any of the allowed claims.

Applicant's claims should be limited only by the terms utilized therein. Thus, Applicant hereby submits these comments in an effort to ensure that the claims are properly construed based only upon limitations that are actually present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations that are not found in the respective claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned. In response to the Notice of Allowance mailed July 8, 2009, enclosed is a completed Issue Fee Transmittal Form PTOL-85b.

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The fees in the total amount of \$1510 are being paid concurrently on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: October 7, 2009

/Mark D. Kirkland/
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